

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES DARNELL JONES,

Plaintiff,

v.

JERRY HOBECK, *et al*,

Defendants.

Civil Action No. 2:22-cv-1447

Hon. William S. Stickman IV

Hon. Maureen P. Kelly

ORDER OF COURT

Pro se Plaintiff Charles Darnell Jones (“Plaintiff”) filed a complaint alleging that his rights were violated under 42 U.S.C. § 1983. (ECF No. 4). His claims arise out of his arrest and prosecution for robbery, theft, and criminal mischief. Motions to dismiss were filed by Defendants: the Honorable Frank J. Pallone, Jr. (ECF No. 13); Judith Potoka Petrush (ECF No. 17); and Jerry Hobeck (ECF No. 20). After Plaintiff filed his response to the motions (ECF No. 29), Magistrate Judge Maureen P. Kelly issued a Report and Recommendation on September 27, 2023, recommending that the motions be granted and all claims against Defendants be dismissed with prejudice. (ECF No. 35). Plaintiff was given until October 16, 2023, to file objections to the Report and Recommendation. (*Id.*).

No objections having been filed, the Court hereby ADOPTS Magistrate Judge Kelly’s Report and Recommendation as its Opinion. It concurs with her thorough legal analysis and conclusion.

AND NOW, this 25th day of October 2023, it is HEREBY ORDERED that Defendants’ motions to dismiss (ECF Nos. 13, 17 and 20) are GRANTED. Plaintiff’s claims against

Defendants are DISMISSED WITH PREJUDICE. The Court further holds that amendment would be futile.¹

BY THE COURT:

s/ William S. Stickman IV

WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE

¹ “An amendment is futile if it merely restates the same facts as the original complaint in different terms, reasserts a claim on which the court previously ruled, fails to state a legal theory, or could not withstand a motion to dismiss.” 3 James Wm. Moore et al., *Moore’s Federal Practice* ¶ 15.15 (3d ed. 2021).